



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/229,589 01/13/99 YEGOSHIN L P3356

024739 LMC1/0830
CENTRAL COAST PATENT AGENCY
PO BOX 187
AROMAS CA 95004

EXAMINER

PHUNKULH, B

ART UNIT	PAPER NUMBER
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2732

DATE MAILED: 08/30/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/229,589

Applicant(s)

Yegoshin

Examiner

Bob A. Phunkulh

Group Art Unit

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☒ Responsive to communication(s) filed on Jan 13, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-17 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-17 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1, 3- 7, 9-15, and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 6,069,890).

Regarding claims 1, 3-5, 7, 9-11, 13-15, and 17, White et al. disclose a system and method for providing telephone services over an Internet 106 network. The system consists of: at least two IP routers 102, 104 interconnected with two or more call appliances 100, 118 on the Internet 106; and an end office switching system 105 of LEC 102 analyzes the received calls and determine an Internet call, wherein each IP router may be part of LEC. The calls setup between the call appliance 100 and the gateway 104 (*end node leg*), and the call setup between the IP router 102, 104 thru the Internet 106 (*intermediate legs*) are separate and distinct, wherein the call setup between the call appliance 100 and the gateway 104 used a conventional local loop 103,

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and wherein the call setup between the IP router 102, 104 thru the Internet 106 used TCP/IP protocol (see figs. 2-4, 8; and col. 5 line 8 to col. 10 line 20).

Regarding claims 6 and 12, White et al. disclose a LAN network 28, 30 and appliances at one or more IP routers 32, 34 (see fig. 1).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 8, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over White et al. in view of Andrews et al. (US 5,848,143).

Claims 2, 8, and 16, White et al. fail to disclose the call appliances include Interactive Voice Response (IVR) units. Andrew et al., on the other hand, teach IVR units are included in a communication system (see figs. 8-10). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to include the IVRs of Andrews et

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al., in the system taught by White et al. for improving access to information (24 - hours a day) thus enhancing customer service in agent system.

Conclusion

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 305-9051, (for formal communications intended for entry)

Or:

(703) 308-5403 (for informal or draft communications, please labels

“PROPOSED” or “DRAFT”)

Hand-delivered responses should be brought to Crystal Park II, 2021

Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bob A. Phunkulh** whose telephone number is **(703) 308-8251**. The examiner can normally be reached on Monday-Friday from 8:00 A.M. to 4:00 P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor
Douglas W. Olms, can be reach on **(703) 305-4703**. The fax phone number for this group is
(703) 305-3988.

B. A. Phunkulh

B A. Ph

TC 2700
Art Unit 2732
August 24, 2000



Ajit Patel
Primary Examiner